



---

**Citizen Information**

---

**Citizen/Originator:** Benishek, DanOrganization: House of Representatives  
Address: 514 Cannon HOB, Washington, DC 20515**Upton, Fred**Organization: U.S. House of Representatives  
Address: 2183 Rayburn House Office Building, Washington, DC 20515-2206**Constituent:** N/A**Committee:** N/A**Sub-Committee:** N/A

---

**Control Information**

---

**Control Number:** AL-11-000-4277**Alternate Number:** N/A**Status:** Closed**Closed Date:** Oct 3, 2011**Due Date:** Apr 1, 2011**# of Extensions:** 0**Letter Date:** Mar 17, 2011**Received Date:** Mar 18, 2011**Addressee:** AD-Administrator**Addressee Org:** EPA**Contact Type:** LTR (Letter)**Priority Code:** Normal**Signature:** RA-R5-Regional Administrator - Region 5  
**Signature Date:** Apr 7, 2011**File Code:** 404-141-02-01\_141\_a(1) Controlled and Major Corr. Record copy of of the offices of the EPA Administrator & other senior officials - Nonelectronic**Subject:** SECTION 404 PERMIT NEAR MARQUETTE, MICHIGAN**Instructions:** RA-R5-Prepare draft response for signature by the Regional Administrator for Region 5**Instruction Note:** PLEASE PREPARE A RESPONSE FOR EACH SIGNER (2)**General Notes:** N/A**CC:** Greg Spraul - OCIR-CA-WPTT  
OW - Office of Water -- Immediate Office

---

**Lead Information**

---

**Lead Author:** Denise Gawlinski**Office:** R5-OPA-CIS**Due Date:** Apr 1, 2011**Assigned Date:** Mar 21, 2011**Complete Date:** Apr 7, 2011**Instruction:** RA-R5-Prepare draft response for signature by the Regional Administrator for Region 5**Lead Assignments:**

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Kathy Mims	OCIR	R5	Mar 18, 2011	Apr 1, 2011	N/A
	<b>Instruction:</b> RA-R5-Prepare draft response for signature by the Regional Administrator for Region 5				
Gayvonne Gary	R5	Norma Ignasiak	Mar 18, 2011	Apr 1, 2011	Apr 7, 2011
	<b>Instruction:</b> N/A				



## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Gayvonne Gary	R5	Anita Chico	Mar 18, 2011
Gayvonne Gary	R5	R5-ORC	Mar 18, 2011
Gayvonne Gary	R5	Cheryl Klebenow	Mar 18, 2011
Gayvonne Gary	R5	Ronna Beckmann	Mar 18, 2011
Gayvonne Gary	R5	Denise Gawlinski	Mar 18, 2011

## History

Action By	Office	Action	Date
Kathy Mims	OCIR	Assign R5 as lead office	Mar 18, 2011
Gayvonne Gary	R5	Accepted the group assignment	Mar 18, 2011
Gayvonne Gary	R5	Assign Norma Ignasiak as lead	Mar 18, 2011
Gayvonne Gary	R5	Assign Anita Chico to support the control	Mar 18, 2011
Gayvonne Gary	R5	Assign R5-ORC to support the control	Mar 18, 2011
Gayvonne Gary	R5	Assign Cheryl Klebenow to support the control	Mar 18, 2011
Gayvonne Gary	R5	Assign Ronna Beckmann to support the control	Mar 18, 2011
Gayvonne Gary	R5	Assign Denise Gawlinski to support the control	Mar 18, 2011
Norma Ignasiak	R5-WD	Take task	Mar 18, 2011
Ronna Beckmann	R5	Take task	Mar 18, 2011
Denise Gawlinski	R5-OPA-CIS	Take task	Mar 21, 2011
Denise Gawlinski	R5-OPA-CIS	Completed support assignment	Mar 28, 2011
Gayvonne Gary	R5	Changed Signature Date April 07, 2011	Apr 7, 2011
Norma Ignasiak	R5-WD	Finished response document	Apr 7, 2011
Norma Ignasiak	R5-WD	Sent control to Gayvonne Gary for approval	Apr 7, 2011
Kathy Mims	OCIR	Control Taken Over	Oct 3, 2011
Kathy Mims	OCIR	Control Closed	Oct 3, 2011

## Comments

Commentator	Comment	Date
No Record Found.		

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-2201**

March 17, 2011

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Room 3426 ARN  
Washington, DC 20460

Dear Administrator Jackson:

We write to you today about an issue of great importance to the residents of Northern Michigan. As you should be aware, the County of Marquette Board of Commissioners has determined the public need for a new county road and petitioned the EPA for a Section 404 wetlands permit.

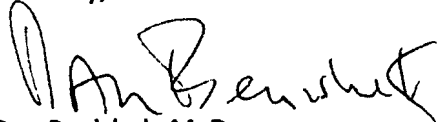
While we understand your agency had concerns with a previous private permit application, we would like to draw your attention to the support from local townships for County Road 595. Once completed, the road will serve as a direct haul route between the Eagle Mine and Humboldt Mill, as well as serve local timber, gravel and recreational interests.

Marquette County Board of Commissioners is committed to working with the Michigan Department of Natural Resources, the EPA and others to address environmental concerns. However, it is their hope (and ours) that the EPA will not impede responsible development by halting the progress of important job creating projects. In our view, this permit process should not be used as a method to delay the Eagle Mine project.

The Marquette Board of Commissioners has expressed a desire for a working timeline for the wetlands review process as required by your agency. In addition, we respectfully ask that you please include in your response any course of action that may assist in expediting the completion of the permitting process.

We thank you for your prompt attention to this matter.

Sincerely,



Dan Benishek M. D.  
Member of Congress  
Michigan's First District



Fred Upton  
Member of Congress  
Michigan's Sixth District



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**APR 07 2011**

REPLY TO THE ATTENTION OF:

The Honorable Dan Benishek  
House of Representatives  
Washington, D.C. 20515

Dear Congressman Benishek:

Thank you for your March 17, 2011 letter regarding the Marquette County Board of Commissioners' concerns about the U.S. Environmental Protection Agency's Clean Water Act (CWA) Section 404 review of County Road 595 (CR 595).

CWA Section 404 allows states to issue permits for the discharge of dredged or fill material to waters of the United States. The State of Michigan assumed responsibility for this program in 1983. However, under a memorandum of agreement between EPA and the state, EPA also reviews permits for projects such as CR 595.

When EPA receives a public notice from the State of Michigan for a proposed permit authorizing discharges to waters of the United States, the Agency has 90 days to review and comment on the proposed permit. If EPA declines to comment or does not object to the permit, the state can then issue a final permit. If EPA objects to the permit, the state has 90 days to address EPA's concerns. EPA has not received any such notice for CR 595.

EPA explained our review procedure at a December 15, 2010 pre-application meeting with the Marquette County Board and the State of Michigan. At that meeting the County Board provided EPA with some preliminary information. Based upon that information, EPA identified potential environmental concerns related to the proposed road. To expedite the permitting process EPA recommended that the County Board address those concerns in the Michigan Wetlands, Lakes, and Streams permit application.

Again, thank you for your letter. If you have further questions, please call me or your staff may contact Ronna Beckmann or Denise Gawlinski, the Region 5 Congressional Liaisons, at 312-886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hedman", is written over a horizontal line.

Susan Hedman  
Regional Administrator



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**APR 07 2011**

REPLY TO THE ATTENTION OF:

The Honorable Fred Upton  
House of Representatives  
Washington, D.C. 20515

Dear Congressman Upton:

Thank you for your March 17, 2011 letter regarding the Marquette County Board of Commissioners' concerns about the U.S. Environmental Protection Agency's Clean Water Act (CWA) Section 404 review of County Road 595 (CR 595).

CWA Section 404 allows states to issue permits for the discharge of dredged or fill material to waters of the United States. The State of Michigan assumed responsibility for this program in 1983. However, under a memorandum of agreement between EPA and the state, EPA also reviews permits for projects such as CR 595.

When EPA receives a public notice from the State of Michigan for a proposed permit authorizing discharges to waters of the United States, the Agency has 90 days to review and comment on the proposed permit. If EPA declines to comment or does not object to the permit, the state can then issue a final permit. If EPA objects to the permit, the state has 90 days to address EPA's concerns. EPA has not received any such notice for CR 595.

EPA explained our review procedure at a December 15, 2010 pre-application meeting with the Marquette County Board and the State of Michigan. At that meeting the County Board provided EPA with some preliminary information. Based upon that information, EPA identified potential environmental concerns related to the proposed road. To expedite the permitting process EPA recommended that the County Board address those concerns in the Michigan Wetlands, Lakes, and Streams permit application.

Again, thank you for your letter. If you have further questions, please call me or your staff may contact Ronna Beckmann or Denise Gawlinski, the Region 5 Congressional Liaisons, at 312-886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hedman", is written over a horizontal line.

Susan Hedman  
Regional Administrator